

JS 44C/SDNY  
REV. 5/2010

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

Irving H. Picard, Trustee for the Liquidation of Bernard L.  
Madoff Investment Securities LLC

## DEFENDANTS

Carol Nelson  
(see attached Addendum for list of defendants)

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201

## ATTORNEYS (IF KNOWN)

Kramer Levin Naftalis & Frankel LLP  
Attn: Philip Bentley/Elise Scherr Frejka  
1177 Avenue of the Americas  
New York, New York 10036  
Telephone: (212) 715-9100/Facsimile: (212) 715-8000CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 157(d) - Withdrawal of Reference from United States Bankruptcy Court for the Southern District of New York

Has this or a similar case been previously filed in SDNY at any time? No ☐ Yes ☒ Judge Previously Assigned Jed S. RakoffIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

(PLACE AN [X] IN ONE BOX ONLY)

## NATURE OF SUIT

## ACTIONS UNDER STATUTES

TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
CONTRACT	PERSONAL INJURY	[ ] 610 AGRICULTURE	[ ] 422 APPEAL 28 USC 158	[ ] 400 STATE REAPPORTIONMENT
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 620 OTHER FOOD & DRUG	[X] 423 WITHDRAWAL 28 USC 157	[ ] 410 ANTITRUST
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT LIABILITY	[ ] 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881	PROPERTY RIGHTS	[ ] 430 BANKS & BANKING
[ ] 130 MILLER ACT	[ ] 320 ASSAULT, LIBEL & SLANDER	[ ] 630 LIQUOR LAWS	[ ] 820 COPYRIGHTS	[ ] 450 COMMERCE
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	[ ] 640 RR & TRUCK	[ ] 830 PATENT	[ ] 460 DEPORTATION
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 340 MARINE	[ ] 650 AIRLINE REGS	[ ] 840 TRADEMARK	[ ] 470 RACKETEER INFLU- ENCED & CORRUPT ORGANIZATION ACT (RICO)
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT LIABILITY	[ ] 660 OCCUPATIONAL SAFETY/HEALTH	SOCIAL SECURITY	[ ] 480 CONSUMER CREDIT
[ ] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[ ] 350 MOTOR VEHICLE	[ ] 690 OTHER	[ ] 851 HIA (1395f)	[ ] 490 CABLE/SATELLITE TV
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 355 MOTOR VEHICLE PRODUCT LIABILITY	LABOR	[ ] 862 BLACK LUNG (923)	[ ] 810 SELECTIVE SERVICE
[ ] 154 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 360 OTHER PERSONAL INJURY	[ ] 710 FAIR LABOR STANDARDS ACT	[ ] 863 DIWC/DIWW (405(g))	[ ] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[ ] 160 STOCKHOLDERS SUITS	ACTIONS UNDER STATUTES	[ ] 720 LABOR/MGMT RELATIONS	[ ] 864 SSID TITLE XVI	[ ] 875 CUSTOMER CHALLENGE 12 USC 3410
[ ] 190 OTHER CONTRACT	CIVIL RIGHTS	[ ] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT	[ ] 865 RSI (405(g))	[ ] 890 OTHER STATUTORY ACTIONS
[ ] 195 CONTRACT PRODUCT LIABILITY	[ ] 441 VOTING	[ ] 740 RAILWAY LABOR ACT	FEDERAL TAX SUITS	[ ] 891 AGRICULTURAL ACTS
[ ] 196 FRANCHISE	[ ] 442 EMPLOYMENT	[ ] 790 OTHER LABOR LITIGATION	[ ] 870 TAXES (U.S. Plaintiff or Defendant)	[ ] 892 ECONOMIC STABILIZATION ACT
REAL PROPERTY	[ ] 443 HOUSING/ ACCOMMODATIONS	[ ] 791 EMPL RET INC SECURITY ACT	[ ] 871 IRS-THIRD PARTY 26 USC 7609	[ ] 893 ENVIRONMENTAL MATTERS
[ ] 210 LAND CONDEMNATION	[ ] 444 WELFARE	IMMIGRATION		[ ] 894 ENERGY ALLOCATION ACT
[ ] 220 FORECLOSURE	[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[ ] 462 NATURALIZATION APPLICATION		[ ] 895 FREEDOM OF INFORMATION ACT
[ ] 230 RENT LEASE & EJECTMENT	[ ] 446 AMERICANS WITH DISABILITIES -OTHER	[ ] 463 HABEAS CORPUS- ALIEN DETAINEE		[ ] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
[ ] 240 TORTS TO LAND	[ ] 440 OTHER CIVIL RIGHTS	[ ] 465 OTHER IMMIGRATION ACTIONS		[ ] 950 CONSTITUTIONALITY OF STATE STATUTES
[ ] 245 TORT PRODUCT LIABILITY				
[ ] 290 ALL OTHER REAL PROPERTY				

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE Jed S. Rakoff DOCKET NUMBER 11 civ 3605

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment

☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.  
(28 USC 1322, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[ ]	[ ]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[ ]	[ ]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[ ]	[ ]
CITIZEN OF ANOTHER STATE	[ ]	[ ]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ]	[ ]	FOREIGN NATION	[ ]	[ ]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC  
c/o Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, New York 10111  
New York County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Carol Nelson and defendants identified on attached Addendum  
c/o Kramer Levin Naftalis & Frankel LLP  
Attn: Philip Bentley/Elise Scherr Frejka  
1177 Avenue of the Americas  
New York, New York 10036  
New York County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION.)

DATE SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

[X] YES (DATE ADMITTED Mo. 11 Yr. 1991)

Attorney Bar Code # 6896

RECEIPT #

*Alvin S. Frejka*

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

**Addendum to Civil Cover Sheet**

**Defendants**

Carol Nelson, individually and as joint tenant  
Stanley Nelson, individually and as joint tenant

**Defendants Attorneys**

Kramer Levin Naftalis & Frankel LLP  
1177 Avenue of the Americas  
New York, New York 10036  
Telephone: (212) 715-7100  
Facsimile: (212) 715-8000

**Statement as to Jury Demand**

Plaintiff did not demand a jury trial in his complaint. Defendants have not filed an answer, and have preserved their right to demand a jury trial.

**Explanation as to Relatedness**

Movants submit that this case is related to several actions pending in this Court and arising out of the liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act ("SIPA"), including Picard v. Katz, No. 11 civ. 3605 (JSR)(S.D.N.Y. July 1, 2001); Picard v. Greiff, No. 11 civ. 03775 (S.D.N.Y. September 16, 2011); Picard v. Blumenthal, No. 11 civ 04293 (October 14, 2011).

This action, in which movants likewise seek withdrawal of the bankruptcy reference, presents similar, although not identical, issues regarding whether SIPA is a federal securities statute and the application and interpretation of SIPA with respect to the trustee's claims in the factual and legal context of the BLMIS SIPA case.